

PROB 12C
(7/93)

United States District Court
for
District of New Jersey
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Keith Disque

Docket Number: 07-00597-001

PACTS Number: 48015

Name of Sentencing Judicial Officer: HONORABLE STANLEY R. CHESLER
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 11/29/2007

Original Offense: Conspiracy to Possess and Distribute CDS

Original Sentence: 12 months and 1 day imprisonment; 3 years supervised release. Drug treatment, financial disclosure, and DNA testing.

Type of Supervision: supervised release

Date Supervision Commenced: 03/14/08

Assistant U.S. Attorney: Jonathan W. Romankaw, 970 Broad Street, Room 502 Newark, New Jersey 07102
(973) 645-2700

Defense Attorney: Kathleen M. Theurer, 33-41 Newark Street, Suite 4A, Hoboken, New Jersey 07030
(201) 659-6133

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number **Nature of Noncompliance**

- 1 The offender has violated the supervision condition which states '**You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.**'

The offender has had criminal association in that he engaged in a relationship with Deseree Dellipaoli, knowing that she had a criminal record. Ms. Dellipaoli was convicted of the following felonies on February 6, 2009, in New Jersey Superior Court: Unlawful Taking, Forgery, and False Representation. She is currently under the supervision of the Essex County Probation Office.

- 2 The offender has violated the supervision condition which states '**You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.**'

The offender failed to report to the probation office on the following occasions: September 21, 2009, September 29, 2009, October 8, 2009, November 9, 2009, December 22, 2009, June 3, 2010, June 8, 2010, and on June 15, 2010.

- 3 The offender has violated the supervision condition which states **'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'**

The offender tested positive for heroin on November 12, 2009. On December 31, 2009, he tested positive for heroin on an instant test, but denied use. As the sample provided was so minuscule in size, another sample was needed to send to the laboratory for confirmation; the offender failed to provide such sample, subsequently leaving the office. He later admitted to using heroin on that date, as well as on December 26, 2009.

- 4 The offender has violated the supervision condition which states **'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'**

The offender failed to attend outpatient substance abuse treatment at COPE. He had an initial intake appointment on December 1, 2009, and was instructed to return that week on two occasions. The offender failed to return for treatment. He was again referred for treatment at COPE in March 2010. After attending group sessions on three occasions, the offender failed to return for treatment.

- 5 The offender has violated the supervision condition which states **'You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.'**

The offender has failed to submit *Monthly Supervision Reports* for the following months of 2009: May, June, July, August, September, October, November and December. He has failed to submit *Monthly Supervision Reports* for the following months of 2010: January, February, March, April, and May.

- 6 The offender has violated the standard supervision condition which states **'You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.'**

The offender was arrested on May 26, 2010, by the Nutley Police Department and charged with Possession of CDS or Analog, Possession of Drug Paraphernalia, and Possession/Distribution of Hypodermic Needle. The arresting officer has reported that he found the offender to be in possession of a hypodermic needle filled with heroin.

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Keith Disque

I declare under penalty of perjury that the foregoing is true and correct.

By: Susan Karlak
Susan Karlak
Senior U.S. Probation Officer
Date: 6/30/10 7/1

THE COURT ORDERS:

- ☒ The Issuance of a Warrant
☐ The Issuance of a Summons. Date of Hearing: _____
☐ No Action
☐ Other

[Signature]
Signature of Judicial Officer

7/1/2010
Date